

From: Boyd, Andrew
Sent time: 12/03/2015 11:36:12 AM
To: Connery, Shannon
Subject: FW: Final Special Account Agreement - use this one - disregard version I sent earlier /FMC FOIA
Attachments: FMC DRAFT Agreement and Mod to Removal UAO for special account 12 2 15.pdf

From: Boyd, Andrew
Sent: Wednesday, December 02, 2015 4:21 PM
To: David Heineck <davidh@SummitLaw.com>
Subject: RE: Final Special Account Agreement - use this one - disregard version I sent earlier

I prepared a comparable agreement for the RCRA Ponds UAO. It's attached. That UAO was issued to both FMC Corp and FMC Idaho LLC. Let me know what you think

Andy

Andrew Boyd
U.S. EPA, Region 10
Tel: (206) 553-1222
boyd.andrew@epa.gov
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FOR USE OF RECIPIENTS NAMED ABOVE

From: David Heineck [<mailto:davidh@SummitLaw.com>]
Sent: Wednesday, December 02, 2015 4:19 PM
To: Boyd, Andrew <Boyd.Andrew@epa.gov>
Subject: RE: Final Special Account Agreement - use this one - disregard version I sent earlier

Thanks Andy. I'll use this version, and expect to get FMC's signature on it tomorrow.

David

From: Boyd, Andrew [<mailto:Boyd.Andrew@epa.gov>]
Sent: Wednesday, December 02, 2015 4:04 PM
To: David Heineck <davidh@SummitLaw.com>
Subject: Final Special Account Agreement - use this one - disregard version I sent earlier

David
Discard the version I sent earlier. It has an incorrect docket #. Use the version attached to this message.

Andy

Andrew Boyd
U.S. EPA, Region 10
Tel: (206) 553-1222
boyd.andrew@epa.gov
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----- Summit Law Group -----

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

IN THE MATTER OF:

U.S. EPA Region 10
Docket No. CERCLA-10-2010-0170

FMC Site
Pocatello, Idaho

FMC Corporation and FMC Idaho LLC,

Respondents.

Proceedings under Section 106(a)
and 122(b)(3) of the Comprehensive
Environmental Response, Compensation,
and Liability Act, 42 U.S.C. §§ 9606(a) and
9622(b)(3).

**AGREEMENT AND MODIFICATION TO ADMINISTRATIVE ORDER
REGARDING RESPONSE COST PAYMENTS TO BE PLACED IN SPECIAL
ACCOUNT**

1. The U.S. Environmental Protection Agency (EPA) issued Unilateral Administrative Order for Removal Action, EPA Docket No. CERCLA-10-2010-0170 (Order), to FMC Corporation and FMC Idaho LLC as the Respondents on June 14, 2010.
2. By letter of July 14, 2010, FMC Corporation provided its notice of intent to comply with the Order. Respondents have been performing the Removal Action work at the FMC Site located near Pocatello, Idaho, which is part of the Eastern Michaud Flats Superfund Site.
3. The Order provided in Section XVII on "Payment of Response Costs" that Respondents shall pay EPA all Response Costs incurred or to be incurred in connection with this Order, including the costs that EPA incurs overseeing Respondent's implementation of the Order.
4. The Respondents agree to pay EPA all Response Costs, as defined in Section XVII of the Order, to be incurred in connection with the Order. The EPA and the Respondents agree that all EPA response costs paid by Respondents from the date of

FMC DRAFT Agreement and Mod to Removal UAO for special account 12 2 15.pdf

this Agreement forward, may be deposited by the EPA in the Eastern Michaud Flats Special Account to be retained and used to conduct or finance response action at or in connection with the Eastern Michaud Flats Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund.

5. The Respondents are advised that violation of Paragraph 4 may subject it to civil penalties as provided in sections 109 and 122 of CERCLA, 42 U.S.C. §§ 9606 and 9622.
6. The scope of this Agreement is limited to the matters addressed above. All provisions of the Order remain in full force and effect to the extent not superseded by the limited terms of this Agreement. Beyond the terms of this Agreement, nothing herein changes Respondents' statements in its July 14, 2010 letter of intent, and Respondents reserve all of its rights and defenses with regard to the Order.

Agreed to by this _____ day of December, 2015.

For FMC Corporation and FMC Idaho LLC

By: _____

Printed Name: _____

Title: _____

So Agreed and Ordered, this _____ day of December, 2015.

By: _____

Richard Albright, Director
Office of Environmental Cleanup
Region 10
U.S. Environmental Protection Agency